IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23149 of 2007(E)

AGAINST THE ORDER IN EP 453/2005 IN OS.860/2001 of II ADDL.SUB COURT,THRISSUR
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PETITIONER:

E.D.ANTONY, AGED 54 YEARS,
S/O IRIMBAN DEVASSY, MUKKATTUKARA DESOM,
NETTISSERY VILLAGE, THRISSUR.

BY ADV. SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA

RESPONDENT:

N.L.VARGHESE, S/O NAYANKARA LONAPPAN,
NELLANKARA DESOM, NETTISSERY VILLAGE,
THRISSUR.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27 /07 /2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

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W.P.C. NO. 23149 OF 2007

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Dated this the 27th day of July, 2007.

J U D G M E N T

This writ petition is filed seeking a direction to the First Addl. District Court, Thrissur to issue a copy of the judgment in CMA 149/06 and till such time to stay all further proceeding in the execution petition E.P.453/05 in O.S.860/01 pending before the II Addl. Sub Court, Thrissur. The application was filed to set aside the exparte decree and the trial court allowed the application on condition that the petitioner deposits Rs.1 lakh within a period of 30 days from 22.7.06. Against that order a CMA was filed and it is submitted that the learned Addl. District Judge has dismissed the same on 6/7/07 and the petitioner has filed an application for getting the emergent copy on 11.7.07. Now the prayer is to direct the Addl. District Court to issue copy at the earliest and then to direct the Subordinate Judge's Court not to proceed with the execution proceedings.

After hearing the learned counsel for the writ petitioner I feel some breathing time has to be given and a direction is also given to the District Judge for the issuance of a copy. Therefore, the writ petition is disposed of as follows:

The learned I Addl. District Judge, Thrissur is directed to issue a copy of the judgment in CMA 149/06 within a period of two weeks from today and he II Addl. Subordinate Judge, Thirssur is directed to keep pending all further proceedings in E.P.453/05 in O.S.860/01 for a period of three weeks so as to enable the writ petitioner to approach the appellate forum for appropriate relief.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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